

# Evergreen Fire District Board of Trustees

Minutes of Board Meeting  
March 7, 2016

**Board members present:** *Shawn Baker, Jack Fallon, Dave Edwards, Kyle Nace*

**Board members absent:** *John Foust*

**District Staff/Employees:** *Fire Chief Craig Williams, Fire Marshal Ben Covington,  
Administrative Assistant Laurie Pein*

**Public Attendance:** *None*

## **MEETING OF MARCH 7, 2016 CALLED TO ORDER AT 12:12 P.M.**

### **PUBLIC IN ATTENDANCE RECOGNIZED:**

### **ADOPT THE AGENDA:**

*Dave moves to adopt the Agenda as presented, Jack seconds the motion, the Agenda is adopted unanimously.*

### **PUBLIC COMMENT:**

*None*

### **FINANCIALS:**

#### **1. January 2015**

*Dave did not have a chance to look at the financials prior to the meeting and provides a second email address to help ensure he is able to see all his emails. Shawn wants to know what the line item is for 911 transports under income in account 9428. Craig explains that we are having Pintler break those out for us so that we can easily identify in Quickbooks how much income is from 911 calls, inter facilities and events.*

*Jack indicates that he can't approve the financials until the reconciliations are posted so he can see them. Shawn says that about eight months ago the board discussed what financials they wanted provided each month and Craig, Laurie and Ashley were given a list. He says the list can certainly be changed but wants to be sure staff, including Ashley at Stahlberg & Taylor, have consistent direction on what is expected every month. Jack*

believes it was a simple request and that the board should not have to go through this procedure to get what he asked for. Laurie says that the reconciliations used to be provided but in a board meeting the board decided it was no longer needed. Craig provides a copy of the minutes reflecting that board decision. Jack doesn't want to see the minutes and says it's a courtesy thing. There continues to be a great deal of discussion regarding this matter. No one sees a problem with providing reconciliations from this point forward. Craig, Laurie and Ben explain that the only problem with providing them this time was that it was a last minute request. Ashley had left to go out of town and would not be returning until after the board meeting on Monday so she was unavailable to post the reconciliations. Laurie probably could have printed the reconciliation reports from Quickbooks but did not yet have the bank statements back from Ashley and therefore the reconciliations would not really have provided any more information than the check registers did, which were already provided to the board.

Craig and Laurie explain that they have not been getting the bank statements and will not start receiving them until Jack turns in the banking forms and gets all the accounts straightened out for signers and current board members, etc. Ashley has them in order to do the reconciliations but does not get them to Laurie until a week or two later. Craig reminds the board that Jack told the board that examining the reconciliations no longer had the value it used to have and that with Laurie doing part of the work in Quickbooks and Ashley doing the rest and doing the reconciliations, as recommended by the auditor, there are checks and balances in place to prevent the kind of problems the department experienced previously. Laurie points out that it is not a problem to start providing reconciliations from here on out, it was only a problem because it was asked for at the last minute.

Shawn asks for a motion. Dave makes a motion to add the reconciliations to the monthly financial reports. Jack says it doesn't need to be a motion, it should just be a directive. Shawn disagrees and wants to be sure to give consistent direction and says that's the reason they put together a list a year ago. Dave agrees with Shawn. Jack still doesn't believe it should be done as a motion. Shawn says it should be a motion so it's in the minutes and part of the record. Kyle seconds the motion. Shawn calls for a vote.

Dave moves to add the Reconciliation Reports, with the bank statements, to the monthly financials placed in the Google Drive by Ashley; seconded by Kyle; motion approved by majority with Dave and Kyle in favor and Jack opposed.

Shawn asks for a motion to approve the financials. Kyle moves to approve the financials as presented. Jack indicates he will vote against it because he wants to see the reconciliation first. Dave asks if Jack has some concerns and Jack indicates he does not but he thinks someone should be looking at it.

Kyle moves to approve the financial statements as presented for <sup>January SWB</sup> February, 2016; seconded by Dave; Dave and Kyle in favor; Jack opposed; motion passed by majority.

#### **PAST ITEMS/UPDATES:**



## 1. Approve Meeting Minutes of February 1, 2016

*Dave moves to approve the minutes of February 1, 2016; seconded by Kyle; motion approved unanimously.*

## 2. Glacier Bank/WFCU Account Signatures

*Laurie explains the only signature still missing for the banking changes is John Foust. Craig says once this is done we should begin receiving the bank statements again. Laurie and Craig have both tried to get the bank to change the mailing address but it still has not been done by the bank. Jack indicates that he did ask to have it corrected when he first went in to the bank. Apparently, they have not followed-through because we are still not receiving the bank statements. He will try again when he turns in the paper work. Laurie feels that it would probably be a good idea to go ahead and turn it in, even without John's signature page, so that we can get things back on track. Jack says John can come in at any time and fill his page out.*

## NEW ITEMS/UPDATES:

### 1. Grievance

*Shawn says he really doesn't know how to handle the grievances. He obtained a copy of the County policy and emailed it to everyone but the board has not reached a consensus. Shawn indicates he does believe there should be a framework of some kind.*

*Craig indicates he has a couple of points he would like to make. (1) Once the board receives the grievances, what will the timeline be for getting a response back from the board and would the response be verbal or written? (2) What would the appeal process be and what would the next step be if the board determined the grievances have no merit? Would it go to the County Commissioners, mediation, or arbitration? Craig feels the County's policy could provide a good guideline and could be used as a basis for our own policy with some modifications. Craig says that is the reason the grievances have not been submitted to the board yet because all three people are uncomfortable with submitting the grievances in the absence of any guideline or knowledge of how things will proceed from there.*

*Dave expresses that he has some concerns about personal liability. Kyle says that there has to be some other templates out there too and asks if Shawn has looked for anything else. Shawn indicates that he didn't really look for anything else because he figured the County policy provided a good framework and could easily be modified.*

*Jack says that it would be an inappropriate use of someone else's document for a situation that it's not applicable for and that there is no grievance process for any elected board in any situation in the State of Montana. Dave questions if that is right and Jack says he can do his own research if he wants. Jack goes on to say that the legislature has*

*determined that it is not necessary to have a grievance procedure for elected officials because they hire people at will and that the discretion of those elected officials can be discriminatory, whether it's the County Commissioners or a municipality. Jack also says they do have to have policies in place for the treatment of the employees and for termination and there has to be grievance procedures available for anybody that feels like they have something wrong, but between whoever is hired to manage something and the elected board, there is no grievance procedure and that the only recourse they have is civil action and that the legislature wanted to make sure elected officials had full authority and didn't want that authority to be inhibited in any way, shape or form.*

*Dave questions Jack's statements and indicates that if that's the case, he could come down here and harass an employee age-wise, or sexually, and there would be nothing that employee could do about it short of filing a civil action. Dave indicates he does not believe the authority of the board would be inhibited by adopting and maintaining a standard. Dave says that if he understands what Jack is saying, then even if the board were to consider adopting something, it would not be lawful or binding.*

*Shawn believes if the board chose to bind itself, it would be binding. Jacks says that doing so would make this department very unique in the State. Dave wants to know what would be wrong with that? Jack says that a board can censure an individual board member for what the board determines is inappropriate behavior because majority rules, but that is all. Dave asks for a description of what a censure would be. Jack says that if a board member was abusing someone and the board thought the behavior was wrong they could tell that board member they want him to cease and desist that behavior but the board cannot un-elect him from the board. Jack says that only the electorate can charge someone with malfeasance and that has its own separate process for accusation and subsequent removal but that it's done by the electorate not by any staff. Jack then goes on to say that in 1990 he got three board members removed from an entity for malfeasance in the form of violating the open meeting law.*

*Dave indicates that while Jack has a lot of information, Dave would be frustrated as an employee if he had no avenue for seeking a resolution to an issue. Craig indicates that what Jack is saying is that Craig is completely unprotected in being able to do anything and that it would be very bad for the department if it had to go all the way to a lawsuit. Jack says that Craig can't be automatically terminated because there has to be some kind of pattern or a procedure in place for something like that and staff is protected, but there is no public procedure or policy for a grievance from staff to a board member and that it just does not exist in state law. Shawn says that absent that policy, the board needs a way to handle the current situation. Shawn goes on to say that he cannot guarantee the board will receive the grievances and have them back in ten days. Craig understands that but reiterates that he does not want to submit the grievances until there is something in place and if there isn't anything in place then he will need an opinion from the County Attorney or his personal attorney or someone else.*

*Laurie indicates that she does not want to turn her grievance in and then just sit around waiting for someone to decide what to do with it or how to handle it. Shawn indicates his*

preference would be to receive the grievance, have a couple of weeks for each board member to read it on their own then have a board work session to discuss it amongst the five of them. Dave agrees with that. Craig reminds the board that there are three distinct and separate grievances and it will take the board some time to weed through them. Craig says that he is also uncomfortable presenting it to the board if the board doesn't have a plan as to how they're going to proceed.

Dave asks Jack if the three board members he got rid of was a situation that would be consistent with what is going on now. Jack says no because it was attached to violating the open meeting law and there are no violations of that law here that he is aware of but he hasn't seen the grievances. Craig indicates that there is one violation of the open meeting law involved.

Ben says that he doesn't really care if they come up with a policy as long as there is some kind of resolution to his grievance. Craig agrees and wonders if we can't come up with something internally. Ultimately, Craig believes that there should be some kind of resolution but he has no path as an employee. He says that Ben and Laurie submitted grievances to him and he reviewed them and notified the Chairman of the Board that they existed and had merit as outlined by the policy in the employee handbook, so what now?

Dave brings up that he did suggest to Jack in a telephone conversation that maybe it could be set up kind of like a court with Shawn in the judge's role. Craig thinks that it is an idea and that we need to entertain anything and everything in order to provide for some sort of resolution. Shawn expresses concern that leaving the issue unresolved puts it into April at the same place it's sitting in March and thinks we at least need "a" next step in order to move forward. Shawn asks Craig if the grievances will be presented orally or in a form that the board just needs to review. Craig indicates they are too lengthy to present orally. Dave asks if it would be possible to present the grievance and a resolution that the board could entertain. Craig doesn't know if that would work because the grievances are separate and independent of each other.

Kyle asks if it would be appropriate to submit them to the Chairman for review, Shawn could review them and then call a work session to discuss it and then handle it almost like a little mini-court as Dave suggested and come up with a resolution that they could then bring back to Craig, Ben and Laurie. Shawn indicates he would be okay with that. Craig feels that if the board wants to develop a method like that and the board and employees can mutually agree on the process, then that would be fine, but he'd really like a written opinion from someone as to whether that will work and be binding. Shawn feels that it would help the board to know what "level of crime" they're dealing with before coming up with a procedure. Laurie feels that the "level of crime" shouldn't matter and that the policy or procedure should be the same either way.

Craig suggests that maybe the board should reach out to the County Attorney as that office has shown a past practice of providing legal guidance to boards and maybe the County Attorney could provide some guidance as to how this process should proceed. Jack thinks the County Attorneys have washed their hands of it and said that whatever

*attorney the District hires will look out for the board's interest and not the employee's interest. Dave doesn't like the idea of spending money on something that could be hashed out between the parties. Shawn would also like to see it handled between the board and employees. Laurie feels that if she could agree to something in between and the board could agree and the agreements were adhered to on both sides then maybe the matter could be resolved.*

*Craig asks if the board would entertain the idea of consulting an independent mediator or arbitrator, even though it would cost some money. Shawn says he would be willing and Kyle says he knows someone who did a good job between the union and the City Manager in Whitefish. Dave expresses concern that it could be really expensive. Shawn asks Kyle to get him the name of the mediator/arbitrator and says he will touch base with that person as well as the County Attorney.*

### **RESOLUTIONS:**

#### **1. Resolution 2016-01 Re: 10% Ambulance Match**

*Craig presents the board with a resolution that will approve the expenditure of the 10% matching funds required for the new ambulance as well as additional accessories that are needed such as a siren, additional lighting, and other necessary items that are not included in the state grant. Radios and much of the loose equipment will be transferred from an old ambulance to the new one. The 10% match for the ambulance will be \$14,805 as the total cost of the ambulance came in at \$133,245. Shawn would like the resolution to be revised to say approximately \$15,000 for the 10% match and not to exceed \$10,000 for additional accessories. Jack feels that because this was not budgeted for in the 7250 account, there needs to be a budget amendment rather than a resolution. Craig says there is still a little time but it will need to be approved at the next monthly board meeting so he can have the money available when the ambulances is delivered in about six weeks. Ben will bring a revised document to the next board meeting.*

### **PROPOSALS:**

*None*

### **CHIEF'S REPORT:**

#### **1. February Call Volume**

*There were 144 total calls in February, which is down slightly. In February 2015, there were 161 calls but not all of them were EMS. Craig also provided the report showing mutual aid responses. Craig asks if the board saw the email he received from Chief Joe Page from Whitefish, which Craig forwarded to the board. The email was a "thank you"*



*from the Whitefish department thanking Evergreen for mutual aid support. Kyle, who works at the Whitefish department, says he spoke at length with Chief Page and the Chief basically said that at this point, Evergreen is the only department Whitefish can depend upon for mutual aid assistance.*

## **2. February Pager Pay Update**

*Craig reports that it's still too early to be able to track revenue from the pager pay program. The department spent \$547 in February on pager pay but that was not a full month's worth of pay for the program so he'll have a better idea of costs next month. Craig also reports that the department was fully staffed under pager pay for the entire month of February and we are mostly booked up for March and into April. Since the program's inception we have not had to turn down a single transport whereas we had been turning down one a day for a while before that. Craig says that we are still very busy and have had a lot of out-of-area transports as well as a lot of local inter-facilities and also indicates that the staff on pager pay are taking the out-of-area calls.*

## **3. Ambulance Update**

*Craig reiterates that we anticipate delivery of the ambulance in a month to six weeks. The ambulances have already been built and Apgar is basically just installing all of the options chosen by each of the grant recipients. Everyone at Evergreen is very excited as this is the first new piece of equipment the department has gotten since the station was built.*

## **4. Discussion of Long Term Fire District Planning Assessment/Evaluation**

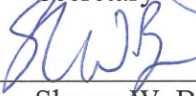
*Craig brings this up as a talking point. Because we are in year two of a five-year levy, he wants to begin discussion now and not wait till the last minute to think about (1) implications if a new levy doesn't pass, and (2) should we start looking at the possibility of asking for a larger levy. Craig indicates there are a number of companies that provide second party validation that come in to look at staffing, call volume and how we do things and then develop a plan or strategy of how we market that to the community. He explains that it will be a big deal if we go for a larger levy that will provide living wages and benefits for our guys. Craig acknowledges that there will be a lot of competition for levy dollars in the coming years but feels that at some point we have to draw a line in the sand and say, hey, we have to do this, and that it would be better to begin that process sooner rather than later. Big Sky, Central Valley and Missoula Rural have all used one of these companies with good success. Craig is not asking for approval to spend money at this point but would like to begin reaching out to find a company that may be able to do this for Evergreen and ultimately to assist in marketing to the community. He would also like to begin doing the newsletters again, but he and Laurie are still in the process of trying to get official non-profit status from the IRS, which is turning out to be a very difficult process, but which will save a ton of money in mailing costs. Shawn indicates that he believes the non-profit status is especially important to the process. Dave*

*indicates he would be interested to see how much it would cost to have a company provide second party validation or a needs assessment. In answer to a question from Kyle, Craig indicates that the company would provide a third-party report that could be passed on to the community via a newsletter.*

*Craig will contact some of the companies in the near future to get an idea of what a study would cost. He indicates that, obviously, if it's going to cost \$40,000 or something, we will have to try and do it ourselves. Craig also says that the study for Big Sky is online if someone wants to look at it. Shawn wants to make sure that in communicating with the community we make sure they know that we're meeting the needs of the community and not just focusing on our needs as a district. Craig agrees that we need to sell what we have provided to them.*

Meeting adjourned at 1:34 p.m.

Submitted by:   
Secretary

Signed by:   
Shawn W. Baker - Chairman